

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

March 25, 1999

The Board of Education and the Board of Vocational Education met for the regular business meeting in Senate Room B, General Assembly Building, Richmond, Virginia on Thursday, March 25, 1999 with the following members present:

Mr. Kirk T Schroder, President
Senator J. Brandon Bell, Vice President
Mrs. Jennifer C. Byler
Mr. Mark C. Christie
Mrs. Audrey B. Davidson

Mrs. Susan T. Noble
Mr. Robert H. Patterson, Jr.
Mrs. Ruby W. Rogers
Senator John W. Russell

Mr. Paul D. Stapleton, Secretary and
Superintendent of Public Instruction

Mr. Schroder called the meeting to order at 9:07 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Senator Russell gave the invocation and led in the Pledge of Allegiance.

APPROVAL OF MINUTES

Mrs. Noble made a motion for approval of the minutes of the February 25 meeting. Copies of the minutes had been distributed previously to all members of the Board for review. The motion was seconded by Mrs. Byler and carried unanimously.

APPROVAL OF AGENDA

The following items were added to the agenda: *Item M, Pre-NOIRA For By-Laws and Item N, Resolution for Pre-Labor Day Opening.* Mr. Christie made a motion to approve the agenda as amended. The motion was seconded by Senator Russell and carried unanimously.

CONSENT AGENDA

The motion was made by Mrs. Byler, seconded by Mrs. Noble and carried unanimously for approval of the consent agenda.

Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List

The Department of Education's recommendation that funding for nine projects in the amount of \$24,655,000 be deferred and that the projects be placed on the First Priority Waiting List was approved.

First Priority Waiting List

COUNTY, CITY, OR TOWN	SCHOOL	AMOUNT
Franklin City	Morton Middle	460,000.00
Franklin City	Joseph King Elementary	645,000.00
Franklin City	Franklin High	1,000,000.00
Russell County	Lebanon High	600,000.00
Russell County	Castlewood High	250,000.00
Tazewell County	Graham Intermediate	1,500,000.00
Rockingham County	Westside Elementary	7,500,000.00
Rockingham County	Wilbur Pence Middle	5,200,000.00
Botetourt County	Greenfield Elementary	7,500,000.00
	TOTAL	\$24,655,000.00

Final Review of Recommendations Concerning Applications for Literary Fund Loans

The Department of Education's recommendation is to approve nine new applications in the amount of \$24,655,000 subject to review and approval by the office of the Attorney General pursuant to Section 22.1-156, *Code of Virginia*. This recommendation was accepted by the Board of Education's vote on the consent agenda.

COUNTY, CITY, OR TOWN	SCHOOL	AMOUNT
Franklin City	Morton Middle	460,000.00
Franklin City	Joseph King Elementary	645,000.00
Franklin City	Franklin High	1,000,000.00
Russell County	Lebanon High	600,000.00
Russell County	Castlewood High	250,000.00
Tazewell County	Graham Intermediate	1,500,000.00
Rockingham County	Westside Elementary	7,500,000.00
Rockingham County	Wilbur Pence Middle	5,200,000.00
Botetourt County	Greenfield Elementary	7,500,000.00
	TOTAL	\$24,655,000.00

Final Review of Financial Report on Literary Fund

The Department of Education's recommendation to approve the financial report on the status of the Literary Fund as of December 31, 1998 was accepted by the Board of Education's vote on the consent agenda.

DISCUSSION OF CURRENT ISSUES

There was no discussion of current issues.

PUBLIC COMMENT

The following persons spoke during the public comment period:

Nora Wilkins for Waldorf Freeman
Ray Lora
Dora Evans
Gail Thyring

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RESOLUTIONS AND RECOGNITIONS

The following students of the Virginia School for the Deaf and Blind in Staunton Academic Bowl Team are first place winners in the Mid-Atlantic Region Academic Team Competition. The team will represent the Mid-Atlantic region as well as the Commonwealth of Virginia in the national competition on April 21-23, 1999 at Gallaudet University in Washington, D. C.

Students: Mandy Clatterbaugh, Jenilee Fletcher, Jamon Freeman, Carrie Sugs, Ben Vess.

Team Coach: Mrs. Andrea Panella

School Principal: Ms. Rachel Bavister

The president of the Board of Education presented Resolutions of Recognition to each student and to the team coach.

The president also presented a Resolution of Recognition and a Flag of the Commonwealth to the school's principal in honor of the outstanding achievement of the Academic Bowl Team.

ACTION/DISCUSSION ITEMS

Final 1998-2000 Budget Passed by the General Assembly

Dan Timberlake, Assistant Superintendent for Finance, Department of Education, gave a brief overview of what took place in the last General Assembly session in respect to the budget. On February 17, 1999, the 1999 Session of the General Assembly adopted the final budget for the 1998-2000 biennium. Highlights of the General Assembly's actions include: approval of Governor Gilmore's recommendation for five new Governor's Best Practice Centers, bringing the total to eight statewide; dedication of lottery revenues to public education; approval of a 6 percent salary increase effective January 4, 2000; and provision of bond proceeds for the purchase of student information management software for eligible school divisions. The budget bill (HB 1450), as passed by the General Assembly, now goes to Governor Gilmore for action. The reconvened session is currently scheduled for April 7, 1999, when the General Assembly will consider any amendments or vetoes of the budget bill from Governor Gilmore. The board accepted the report.

First Review of Prepayment of Literary Fund Loans

Dan Timberlake reported that several localities have recently requested permission to prepay a

Literary Fund loan prior to scheduled maturity. This issue has been raised, in part, because some school divisions would like to use their School Construction Grant funds for this purpose. In addition, one of the permissible uses of the lottery revenues distributed to localities is the payment of debt service on school bonds issued within the past ten years, including Literary Fund loans. It is anticipated that, due to the large amount of lottery revenue to be allocated to localities, more localities may request to use their lottery monies to prepay a Literary Fund loan.

The prepayment of Literary Fund loans raises significant issues for the Virginia Public School Authority (VPSA). The VPSA holds the Literary Fund loans and pledges the payments on the loans as additional security for their 1987 Resolution bonds. Notwithstanding prepayments of Literary Fund loans where the locality is selling the property, the VPSA requests that the Department of Education decline any locality's request to prepay a Literary Fund loan. The VPSA is required to maintain a certain level of debt service coverage on its 1987 Resolution bonds and any prepayments of Literary Fund loans reduce the level of coverage on these bonds.

Gary Ometer, Director of Debt Management, Department of Treasury and Rick Davis, Debt Manager for Public School Authority, answered several questions from board members. Mr. Ometer said the Board serves as the administrator of the literary fund and the State Treasury serves as the accountant for the fund.

Mr. Christie made a motion to waive first review. The motion was seconded by Mrs. Byler and carried unanimously.

The Board requested Mr. Timberlake to write out a specific motion for Mr. Christie to look at and bring back to the Board for approval. This being done, a specific motion was then brought before the Board.

Mr. Christie made a motion for the Board to decline the request of Nottoway County to prepay its Literary Fund loans because it is generally the sense of this Board that, in the best interests of the Literary Fund and the Virginia Public School Authority, prepayment should not be allowed except in situations where the property is being transferred. The motion was seconded by Mrs. Byler and carried unanimously.

First Review of a Request from the Commonwealth Governor's School for an Additional Site at Colonial Forge High School

Dr. Ralph Johnson, Executive Superintendent of the Commonwealth Governor's School, assisted by Mr. Ed Sullivan, Chairman of the Board, and Mrs. Sylvia Wadsworth, Director of Commonwealth

Governor's School, requested the approval for an additional site at Colonial Forge High School, Stafford, to open in the fall of 1999, and for the option to request an additional site in Spotsylvania County in the fall of 2000.

The Board also heard supporting testimony from nine students currently attending the Commonwealth Governor's School.

Mrs. Byler made a motion to waive first review. The motion was seconded by Mrs. Noble and carried unanimously.

Mrs. Byler made a motion to approve the additional site at Colonial Forge High School in Stafford. The motion was seconded by Mrs. Noble and carried unanimously.

First Review of Requests for Increased Graduation Requirements

Mr. Charles Finley, Director of Accreditation at the Department of Education, presented this item. The school board of Isle of Wight County submitted a request for additional requirements for graduation. This request has been reviewed for consistency with the Board's *Guidance Document Re: Requests for Additional Graduation Credit Requirements and Requests to Allocate Electives from Local School Boards* adopted by the Board on June 25, 1998. Mr. Finley reported that the request to require a course in keyboarding applications for the standard diploma is not consistent with the guidance document. The school board and the superintendent of Isle of Wight County have asked for a case-by-case review of this request as provided for in the guidance document. Mr. Finley further reported that the request for additional requirements for the Advanced Studies Diploma is consistent with the guidance document. The keyboarding applications course is a practical arts course that is allowable under the guidelines.

The Isle of Wight County School Board is requesting the Board's approval of the following:

Standard Diploma - to increase the number of credits from 22 to require a total of 24 units of credits to include the following: students will be required to take an additional unit of credit in history and a unit of credit (a course) in keyboarding applications.

Advanced Studies Diploma - to increase the number of credits from 24 to require a total of 28 units of credits to include the following: students will be required to complete 3 units of credit from any of the areas of English, mathematics, history, science, fine arts, practical arts, or foreign language.

In addition, students will be required to earn one unit of credit in keyboarding applications.

Mr. Christie made a motion to approve the history credit permanently for the standard diploma and give the benefit of the grandfather provision to the keyboarding. The motion was seconded by Mrs. Byler and passed with eight Ayes@votes and one abstention. Mr. Christie also suggested that the school division examine the title given to the Akeyboarding@class because the title appeared to be too narrow to accurately reflect the computer operations content of the course. The Isle of Wight representatives at the meeting assured the Board that they would be pleased to conduct this review as requested.

Mr. Christie made a motion to give permanent approval for the advanced diploma requiring three additional credits in the core academics subjects. The motion was seconded by Mrs. Noble and carried unanimously.

First Review of Objectives for Personal Living and Finances

Maureen Hajar, Specialist for Mathematics, Department of Education, reported that the General Assembly of Virginia added legislation to the Standards of Quality that directed the Virginia Board of Education to develop and approve personal living and finances objectives for mathematics at the middle and high school levels. The *Code of Virginia* '22.1-253.13:1.B relating to the development of personal living and finances objectives states as follows:

By July 1, 1999, the Board shall develop and approve objectives for mathematics, at the middle and high school levels, for personal living and finances, which shall focus on money management skills for individuals and families. The personal living and finances objectives shall require instruction in those skills necessary to handle personal business and finances and shall include, but need not be limited to the following: opening a bank account and how to judge the quality of a bank's services; balancing a checkbook; completing a loan application; the implications of an inheritance; the basics of personal insurance policies; consumer rights and responsibilities; dealing with salesmen and merchants; debt management, including retail and credit card debt; state and federal tax computation; local tax assessments; computation of interest rates by various mechanisms; understanding simple contracts; and how to contest an incorrect bill. These personal living and finances objectives shall not be required to be included in the Board's Standards of Learning, and shall be developed in a manner to ensure that instruction in the Standards of Learning shall not be de-emphasized. The Board shall not be required to evaluate student achievement concerning

such objectives in the Standards of Learning Assessment Test required by
' 22.2-253.13:3.

Mrs. Davidson made a motion to waive first review. The motion was seconded by Senator Russell and carried unanimously.

Mrs. Byler was concerned because the proposed objectives contain no guidelines for people who own a business, such as the procedures to obtain business license, how to deal with tax agencies, consulting with an accountant, workers' compensation, and how to file taxes. Senator Bell also expressed his concern that the objectives include references to options for saving money, such as passbook savings accounts, mutual funds, or CDs.

Mr. Schroder appointed a committee consisting of Mrs. Davidson as chairperson, Senator Bell, and Mrs. Byler, to address the concerns of some of the Board members. The item will be presented again during the April meeting.

Dr. Jo Lynne DeMary, Assistant Superintendent for Instruction at the Department of Education, stated that the purpose of the language of this legislation is to incorporate the finance personal objectives into the mathematics curriculum. This is not the only course of studies that deal with some of the issues that are troubling some members of the Board.

First Review of Request to Revise Virginia's Pupil Accounting Regulations

The Department of Education identified this Board of Education regulation as needing revision during the 1995 review of agency regulations, as directed by the Allen administration. Subsequently, this regulation was identified by the firm of KPMG Peat Marwick as a major barrier to replacement of student information software needed by local school divisions.

While revision of this regulation will not eliminate requirements for submission of certain student information items to the Department of Education, localities will be permitted to record and maintain student information in the manner each may deem appropriate or best. Additionally, this revision will permit local school divisions to purchase and use off the shelf software products without the need for costly modification to replicate previously mandated methods of collecting pupil attendance and membership data.

Mrs. Byler made a motion to authorize the Department of Education to proceed with amending this regulation in accordance with the terms and conditions of the Administrative Process Act (APA) and relevant Executive Orders. The motion was seconded by Mrs. Noble and carried unanimously.

1999 General Assembly Legislative Session-Overview

Mrs. Diane Atkinson, Assistant Superintendent for Policy and Public Affairs, informed the Board that the Reconvened Session of the Virginia General Assembly is scheduled for April 7, 1999. During the 1999 legislative session, the Department tracked about 288 bills and resolutions and completed in-depth analysis on about 143 bills, of which 93 have been enrolled. The Department will provide a final report following the Reconvened Session.

Mrs. Atkinson reviewed the K-12 Education Bills presented during the 1999 General Assembly Session. A final report will be given at the April Board meeting and will focus on what the Board needs to do as a result of the 1999 General Assembly Session. The Board received the report for information only.

Mr. Schroder praised Mrs. Atkinson and her staff for doing an excellent job during the 1999 General Assembly Session. Mrs. Atkinson introduced the following members of the Policy and Public Affairs staff present at the Board meeting: Anne Wescott, Director of Policy; Cindy Cave, Director of Public Relations; Linda McGinn, Director of Communications; and Margaret Roberts, Policy Analyst.

Final Review of SB174, Guidelines for Appropriate Etiquette and Conventions for Respecting the Dignity of the Flag

On December 16, 1997, the Board of Education adopted Pledge of Allegiance Guidelines. SB174 was approved by the 1998 Virginia General Assembly to amend the said guidelines to include appropriate etiquette and conventions for respecting the dignity of the flag.[@] Proposed language to address the requirements of SB174 was presented to the Board on October 28, 1998. A public hearing was held on January 7, 1999. The written comment period was from December 7, 1998-February 1, 1999.

Mrs. Byler made a motion to receive the proposed guidelines for final review (Appendix A). The motion was seconded by Mrs. Noble and carried unanimously.

Resolution Regarding the Prompt Submission of Certain Required Data to DOE

Mrs. Cam Harris, Assistant Superintendent for Assessment and Reporting, reported that the Department of Education is dependent upon the timely submission of information from school divisions in order to produce required reports and other materials, such as the School Performance Report Card. In many cases, required materials and reports have been delayed due to the lack of the necessary information being submitted from all school divisions.

Mr. Lan Neugent, Assistant Superintendent for Technology Education at the Department Education, stated that one school division can delay the completion of an entire School Performance Report Card.

The Board received the text of a proposed resolution, and the Board discussed the resolution regarding the prompt submission of certain data to the Department of Education. Seasonal adjustments to the proposed text were discussed by the Board.

During the Board's discussion, the President invited comment from members of the audience. Mr. David Blount, Virginia School Board Association, questioned the proposed language concerning correspondence going to the chairperson of the local governing body. He thinks that the local governments, although they are putting up the money, do not take much interest in policy and day-to-day operation.

Mr. Christie made a motion to adopt the resolution as revised during the Board's discussion. The motion was seconded by Mrs. Byler and carried unanimously. The following is the text of the resolution as adopted by the Board of Education.

**RESOLUTION EXPRESSING THE SENSE OF THE
BOARD OF EDUCATION
REGARDING THE PROMPT SUBMISSION OF DATA
NECESSARY FOR THE SCHOOL PERFORMANCE REPORT CARD
DISTRIBUTED BY THE
VIRGINIA DEPARTMENT OF EDUCATION**

WHEREAS, the Board of Education has launched a comprehensive reform of education in Virginia; and

WHEREAS, a key component of these reforms is the School Performance Report Card, which provides information to parents and the public regarding the progress of students and schools in meeting standards set forth for them; and

WHEREAS, some of the information for the School Performance Report Card originates in the local school divisions and is provided to the Department of Education for compilation; and

WHEREAS, the untimely provision of this information impedes the ability of the Board of Education and the Department of Education to provide to School Performance Report Card to parents;

NOW, THEREFORE, BE IT RESOLVED THAT the following measures will be undertaken by the Board of Education and the Department of Education to stimulate the timely provision of data that is essential to the production of the School Performance Report Card:

- 1. Local division personnel designated as responsible for the provision of the requested information will be notified when submissions have not met the stated deadlines.**
- 2. The Department of Education will notify the local Division Superintendent when any data collection has not been submitted in a timely manner.**
- 3. The Department of Education will notify the President of the Board of Education of any situation whereby the school division has not provided the required information and such failure will impede the timely production of the School Performance Report Card.**

4. The President of the Board of Education will correspond with the local Division Superintendent, the Chairperson of the local school board, and the Chairperson of the local governing body regarding such situations, which correspondence shall be a public document.

BE IT FURTHER RESOLVED THAT the Superintendent of Public Instruction is hereby requested to send a copy of this resolution forthwith to all Division Superintendents and to the Chairperson of all local school boards in order that they may be informed of the sense of the Board of Education regarding the prompt submission of information required for the School Performance Report Card.

Adopted This Twenty-fifth Day of March 1999.

Authorization to Change Board of Education By-Laws

The Board of Education's by-laws, previously promulgated under the provisions of the APA, are to be repealed because they are currently outdaed and in need to total revision. Mr. Schroder announced that new by-laws must be developed and adopted by the Board as one of its pending business items.

Mrs. Byler made a motion to grant approval for the Department of Education to submit the necessary forms and information, as required under the Administrative Process Act. The motion was seconded by Mrs. Noble and carried unanimously. This action of the Board begins the process necessary to update the Board's by-laws.

Resolution of the Board of Education Regarding Pre-Labor Day Opening Requirements

Mr. Schroder abstained from this issue because his law firm has provided legal counsel to the Virginia Hospitality and Travel Association. Mr. Christie and Mr. Patterson also abstained for similar reasons. Senator Bell presided on this issue.

Mr. Charles Finley said that sixty-eight school divisions have submitted requests regarding pre-Labor Day opening. These requests are summarized as follows: forty-one for inclement weather, thirteen are related-program requests, three are requests for innovative or experimental programs approved by the Board last year. One request is expected from Hampton City that was also approved by the Board last year.

The text of a proposed resolution was presented to the Board for its consideration. Mrs. Byler made a motion to adopt the resolution. The motion was seconded by Mrs. Noble and carried unanimously.

**RESOLUTION OF THE BOARD OF EDUCATION
REGARDING PRE-LABOR DAY OPENING REQUIREMENTS**

Whereas, Section 22.1-79.1 of the Code of Virginia provides that each local school board shall set the school calendar so that the first day students are required to attend school shall be after Labor Day and further provides that the Board of Education may waive this requirement on a showing of good cause; and

Whereas, the aforementioned section of the Code specifies that A good cause® shall mean:

1. A school division has been closed an average of eight days per year during any five of the last ten years because of severe weather conditions, energy shortages, power failures, or other emergency situations;
2. A school division is providing, in the school year for which the waiver is sought, an instructional program or programs in one or more of its elementary or middle or high schools, excluding the electronic classroom, which are dependent on and provided in one or more elementary or middle or high schools of another school division that qualifies for such waiver. However, any waiver granted by the Board of Education pursuant to this subdivision shall only apply to the opening date for those schools where such dependent programs are provided; or

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